

Serial No.: 10/509,312
Examiner: Steven Lim

REMARKS

In a December 17, 2009 final office action, Examiner rejected all pending claims (claims 1-21) under 35 U.S.C. §103(a). Claims 1, 11 and 21 are independent claims.

Examiner cites Josse et al., U.S. Patent No. 6,104,929, ("Josse") in view of Ovesjo et al., U.S. Patent Publication No. 20020160785, ("Ovesjo") in rejecting independent claims 1 and 11 and cites Josse in view of Ovesjo and further in view of Weissman, U.S. Patent Publication No. 20030188319, ("Weissman") in rejecting independent claim 21.

Independent claims 1, 11 and 21 distinguish over the disclosure of Josse, Ovesjo and Weissman both individually and in combination because they claim exchanging messages between the RAN of a first technology and the CN of a second technology through a Hybrid Atrium. All three independent claims require a MS communicating with a RAN using a first technology and communicating between the RAN of the first technology and the CN of a second technology through a Hybrid Atrium.

Applicant states:

The RAN 120 in turn communicates with a Serving General Packet Radio Service (GPRS) Serving Node (SGSN) 126. The SGSN 126 is a Hybrid SGSN that links the CDMA RAN to the GPRS Core Network. The SGSN 126 also includes a PL layer 122 and a R-P layer 124 as well as a L1 layer 127, a UDP/IP/L2 layer 130 and a GTP-U layer 132.

See patent application, p. 5. Applicant further states:

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A typical wireless network is composed of two sub-networks: a Radio Access Network (RAN) which handles radio related issues such as assigning radio resources to a mobile terminal (or "mobile" in short) upon request for services, and a Core Network (CN) which links the mobile user to wireline networks. Current specification of wireless networks require that the RAN and CN have the same wireless technology in order to provide wireless services. These networks may be referred to as "homogeneous networks." For instance, a GSM mobile will only operate in a wireless network which its RAN and CN are both GSM wireless technology based. A hybrid network refers to a wireless network with its CN and RAN using different technologies. **For example, the RAN may be based on CDMA2000 standard, while the CN may be based on GSM technology.** Detailed description of a Hybrid Network can be found in co-pending PCT patent application serial no. PCT/US02/35500 which was filed on November 5, 2002 and entitled "Method and System for Providing Wireless Services in a Composite Wireless Network Comprising at Least One Access Network and One Core Network of Different Technologies.", assigned to the same assignee and is hereby incorporated by reference.

[emphasis added]. See patent application, p.4. However, Josse describes communication on the very type of homogeneous network that Applicant acknowledges is well-known in the art. Josse requires the same technology in the core network and radio access network and provides no disclosure showing how communication could occur in a wireless network utilizing a core network and a radio access network utilizing different technologies.

Josse states:

FIG. 1 shows an example cellular telecommunications network having GPRS capability for which the invention is useful. The network of FIG. 1 is shown using GSM-type

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terminology. While a preferred implementation is described in a GSM context/application, the present invention may be employed in other radio communications networks.

See Josse, column 4, lines 33-38. Josse involves GSM-type terminology and technology. The Um interface, Gn interface and Gb interface cited by Examiner all are interface names for GSM-type technology. No matter what the radio communication network, the disclosure of Josse only involves a single homogeneous network and is inapplicable to a hybrid network using a core network and radio access network of different technologies and is incompatible with hybrid network technologies. As a result, Applicant respectfully submits that the disclosure of Josse should not be combined with other references that utilize hybrid network technologies.

In the present final office action, Examiner alleges that Ovesjo discloses the MS communicating with a RAN using a first technology and communicating between the RAN of the first technology and the CN of a second technology through a Hybrid Atrium, citing paragraphs 27-29 of Ovesjo. However, these cited paragraphs of Ovesjo only disclose a radio access network of a first technology and a second radio access network of a second technology connected to the core network (CN). See Ovesjo, FIG. 1 and paragraphs 27-29). The MS (mobile station or mobile terminal) communicates with the RAN and the CN communicates with the RAN through the base station controller (BSC).

The disclosed arrangement of Ovesjo is not the equivalent of the mobile station (MS) communicating with a RAN using a first technology and communicating between the RAN of the first technology and the CN of a second technology *through a Hybrid Atrium*

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as claimed in claims 1, 11 and 21 and described in conjunction with FIG. 8 of the present patent application. The Hybrid Atrium of the independent claims is completely missing in Ovesjo. Instead, the Examiner equates the BSC of Ovesjo to the Hybrid Atrium of the independent claims. However, as can be seen in FIG. 8 of the present application and accompanying description in the specification, the Hybrid Atrium is separate and apart from the BSC in the present invention. The present application states:

Fig. 8 is a call flow diagram of a data session activation where the Mobile Station (MS) 800 initiates the activation of the data session. First, an origination message 810 is sent from the MS 800 to the BSC/PCF 802. The BSC/PCF 802 then sends a base station acknowledgement order 812 to the MS 800. The BSC/PCF also sends out a CM service Request (that includes the service option) 814 to a Hybrid Atrium 804. The Hybrid Atrium 804 then sends an Update Location Request 816 to a HLR 808. The HLR 808 then sends an Insert Subscriber Data (QoS) 818 to the Hybrid Atrium 804. In turn, the Hybrid Atrium 804 then sends an Assignment Request (QoS) 820 to the BSC/PCF 802.

See patent application, p. 6. Hence, it is clear that the BSC cannot be the equivalent of the Hybrid Atrium of the independent claims. Examiner states that the Hybrid Atrium being separate and apart from the BSC is not explicitly claimed in the independent claims and that he must interpret the claims in light of the specification but not read limitations from the specification into the claims.

Consequently, the independent claims have been amended to explicitly include limitations related to the Hybrid Atrium being separate and apart from the BSC. Page 7 of the application indicates that the Hybrid Atrium is located in the Core Network. The

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independent claims have been amended to require the Hybrid Atrium be located in the Core Network.

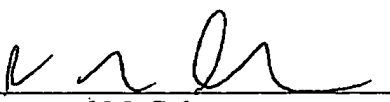
Because claims 2-10 depend either directly or indirectly from claim 1 and claims 12-20 depend either directly or indirectly from claim 11, these dependent claims are also allowable for the same reasons independent claims 1 and 11 are allowable.

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CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of this Application, Applicant invites the Examiner to contact the undersigned attorney at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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